

AMENDMENTS TO THE DRAWINGS

“Replacement Sheets” are attached which include a clean version of amended Figs. 1-7. The attached sheets replace the original sheets including Figs. 1-7.

“Annotated Sheet(s) Showing Changes” is/are also attached which include(s) a marked-up version of Figs. 1-7.

Figs. 1-7 were amended to comply with 37 C.F.R. 1.84(d) as well as to clarify the drawings.

REMARKS

In response to the Office Action mailed October 2, 2009, Applicants respectfully request reconsideration. Claims 1-19 were previously pending in this application. Claims 1, 3, 5, 10, 12, 14-15 and 17-19 have been amended herein. Claims 20-24 have been added. No claims have been canceled. As a result, claims 1-24 are currently pending for examination, with claims 1, 10, 14, 17, 18, 20, 22 and 23 being independent claims. No new matter has been added.

The amendments to claims 1-19 are supported throughout the specification. For example, support for the amendments to independent claims 1, 10, 14, 17 and 18 can be found in the specification at least at Fig. 2a and at page 33, lines 7-15.

New claims 20-24 are also supported throughout the specification. For example, support for new claims 20-24 can be found in the specification at least at page 10, lines 16-18 and 27-28.

Priority under 35 U.S.C. §119

The Office Action notes that a certified copy of the priority document has not yet been received.

It is understood that the U.S.P.T.O. requests the International Bureau to furnish a certified copy of the priority document upon receipt of Applicants' submission under 35 U.S.C. §3.71 to enter the U.S. National phase (*See* M.P.E.P. §1893.03(c) and §1896).

The Examiner's attention is respectfully directed to PCT rule 17.2(a) which provides that when "the Applicant has complied with rule 17.1(a) or (b), the International Bureau shall, at the specific request of the Designated Office, promptly but not prior to the International publication of the International application, furnish a copy of the priority document to that Office. No such Office shall ask the Applicant himself to furnish it with a copy." Accordingly, a copy of the priority document should be provided to the Examiner by the International Bureau. Based on the above, the Examiner is respectfully requested to obtain a copy of the priority document from the

International Bureau according to the specified procedure and to acknowledge that the priority document has been received.

Objections to the Drawings

The Office Action objects to the drawings because Figs. 1, 2a, 2b and 5-7 are not legible and Figs. 1-3 and 5-7 contain reference characters (118, 218, 318, 418, 618, 718 and 818) which are not oriented in the same direction as the view.

Additionally, the Office Action objects to the drawings for including the following reference characters not mentioned in the description: 418 in Fig. 3 and 518 in Fig. 4.

Applicants submit herewith corrected drawing sheets as required. Accordingly, withdrawal of this objection is respectfully requested.

Objections to the Claims

The Office Action objects to the claims for the following reasons:

1. Claim 1, line 2, claim 14, line 1 and claim 17, line 1 the recitation of “SW” should be --Software (SW)--.
2. Claim 1, line 3, the recitation of “the library providing” should be --the library further comprising--;
3. Claim 5, line 1 and claim 15, line 2, the recitation of “HCl” should be –Host Controller Interface (HCI)--;
4. Claim 10, line 1, the recitation of “The telecommunications device with” should be – The telecommunications device comprising--;
5. Claim 12, line 2, claim 14, line 1 claim 17, line 3, and claim 19, line 1, the recitation of “API” should be –Application Programming Interface (API)--;

6. Claim 14, line 1, the recitation of “An API for providing” should be –Application Programming Interface (API) comprising: providing--;
7. Claim 15, line 1, the recitation of “An API” should be –The API--.

Applicants have amended the claims herein to overcome each of the objections to the claims. Applicants have incorporated the Office Action’s suggested corrections for objections 1-5 and 7 as listed above. Applicants have considered the Office Action’s suggested correction for objection 6 as listed above, and have elected to amend claim 14 to recite “An Application Programming Interface (API) that provides”. It is believed that this amendment more accurately describes the subject matter of claim 14.

Accordingly, withdrawal of the objections to the claims is respectfully requested.

Rejections under 35 U.S.C. §112

The Office Action rejects claims 3 and 10-19 under 35 U.S.C. §112, second paragraph, as purportedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

At page 4, the Office Action rejects claim 3 under 35 U.S.C. §112, second paragraph, for containing “the trademark/trade name BLUETOOTHTM”. Claim 3 has been amended herein to recite “a Bluetooth short range wireless device”, in which the trademark or trade name is used to identify a source of goods (i.e., “a short range wireless device”), and not the goods themselves, as suggested by the Office Action (page 4). Accordingly, withdrawal of the rejection of claim 3 under 35 U.S.C. §112 is respectfully requested.

At page 4, the Office Action asserts that the word “optionally” renders independent claims 10, 14, 17 and 18 indefinite. Claims 10, 14, 17 and 18 have been amended herein to remove the word “optionally”, overcoming the rejection of claims 10-19. Accordingly, withdrawal of the rejection of claims 10-19 under 35 U.S.C. §112 is respectfully requested.

Rejections Under 35 U.S.C. §101

The Office Action rejects claims 10-12 and 18-19 under 35 U.S.C. §101 because the claimed invention is purportedly directed to non-statutory subject matter.

At page 5, the Office Action asserts that independent claim 10 (and dependent claims 11-12) is directed to non-statutory subject matter because “software structures are nonstatutory when claimed without reciting a tangible embodiment of the system.” Claim 10 has been amended herein to recite “an interface executing on the telecommunications device”. As such, claim 10 recites a tangible embodiment of the system (i.e., “the telecommunications device”) and is statutory under 35 U.S.C. §101. Accordingly, withdrawal of the rejection of claims 10-12 is respectfully requested.

At page 6, the Office Action asserts that independent claim 18 (and dependent claim 19) is directed to non-statutory subject matter “since there is no tie to a particular machine”. Claim 18 has been amended herein to recite at least one step (i.e., “executing, via at least one processor of the telecommunications device, an interface”) that involves the use of a particular machine or apparatus (i.e., “at least one processor of the telecommunications device”), as suggested by the Office Action (page 6). As such, claims 18-19 are statutory under 35 U.S.C. §101, and withdrawal of the rejection of these claims under 35 U.S.C. §101 is respectfully requested.

Rejections Under 35 U.S.C. §102

The Office Action rejects claims 1-19 under 35 U.S.C. §102(b) as purportedly being anticipated by Motorola “Java™ APIs for BLUETOOTH™ Wireless Technology (JSR-82)” (hereinafter Motorola).

I. Discussion of Motorola

Motorola is a specification document (JSR-82) defining APIs that can be used by third party Bluetooth applications to exercise Bluetooth protocols and profiles (Motorola: page 1, section 1.1, paragraph 1; section 1.2.1, paragraph 2). The Motorola specification requires that APIs be designed to operate on devices having “Bluetooth communication hardware, with necessary Bluetooth stack and radio” (Motorola: page 5, section 2.2.2, paragraph 3). Motorola also describes the device architecture as containing an operating system (Motorola: page 12, Figure 3-5). The API is designed to operate on top of the Connected, Limited Device Configuration (CLDC), which is depicted on top of an “Operating System + Bluetooth Stack” layer (Motorola: page 1, section 1.1, paragraph 2; page 12, Figure 3-5).

II. Independent Claim 1 Patentably Distinguishes Over Motorola

Independent claim 1 as amended recites, *inter alia*, “the interface and the SW protocol layers communicating towards an underlying operating system (OS) through an abstraction layer that maps OS-independent function calls to OS-specific function calls.” Motorola does not meet these limitations of claim 1. At page 9, the Office Action cites Motorola’s Bluetooth stack as purportedly meeting the limitations of Applicants’ claimed protocol layers. However, as discussed above, Motorola’s device architecture depicts a single layer for both the operating system and the Bluetooth stack. Motorola’s Bluetooth stack is not described as communicating towards the operating system through an abstraction layer, let alone through an abstraction layer through which the API also communicates towards the operating system.

For at least these reasons, claim 1 patentably distinguishes over Motorola, and it is respectfully requested that the rejection of claim 1 be withdrawn.

Claims 2-9 and 13 depend from claim 1 and are allowable for at least the same reasons. Accordingly, it is respectfully requested that the rejections of these claims be withdrawn.

III. Independent Claim 10 Patentably Distinguishes Over Motorola

Independent claim 10 as amended recites, *inter alia*, “the interface and the layers of the telecommunications protocol communicating towards the underlying OS through an abstraction layer that maps OS-independent function calls to OS-specific function calls.” For reasons that should be clear from the foregoing discussion of Motorola, Motorola fails to meet at least these limitations of claim 10. Therefore, claim 10 patentably distinguishes over Motorola, and it is respectfully requested that the rejection of claim 10 be withdrawn.

Claims 11-12 depend from claim 10 and are allowable for at least the same reasons. Accordingly, it is respectfully requested that the rejections of these claims be withdrawn.

IV. Independent Claim 14 Patentably Distinguishes Over Motorola

Independent claim 14 as amended recites, *inter alia*, “the API and the layers of the telecommunications protocol communicating towards the underlying OS through an abstraction layer that maps OS-independent function calls to OS-specific function calls.” For reasons that should be clear from the foregoing discussion of Motorola, Motorola fails to meet at least these limitations of claim 14. Therefore, claim 14 patentably distinguishes over Motorola, and it is respectfully requested that the rejection of claim 14 be withdrawn.

Claims 15-16 depend from claim 14 and are allowable for at least the same reasons. Accordingly, it is respectfully requested that the rejections of these claims be withdrawn.

V. Independent Claim 17 Patentably Distinguishes Over Motorola

Independent claim 17 as amended recites, *inter alia*, “the API and the layers of the telecommunications protocol communicating towards the underlying OS through an abstraction layer that maps OS-independent function calls to OS-specific function calls.” For reasons that should be clear from the foregoing discussion of Motorola, Motorola fails to meet at least these limitations of claim 17. Therefore, claim 17 patentably distinguishes over Motorola, and it is respectfully requested that the rejection of claim 17 be withdrawn.

VI. Independent Claim 18 Patentably Distinguishes Over Motorola

Independent claim 18 as amended recites, *inter alia*, “the interface and the layers of the telecommunications protocol communicating towards the underlying OS through an abstraction layer that maps OS-independent function calls to OS-specific function calls.” For reasons that should be clear from the foregoing discussion of Motorola, Motorola fails to meet at least these limitations of claim 18. Therefore, claim 18 patentably distinguishes over Motorola, and it is respectfully requested that the rejection of claim 18 be withdrawn.

Claim 19 depends from claim 18 and is allowable for at least the same reasons. Accordingly, it is respectfully requested that the rejection of claim 19 be withdrawn.

VII. Independent Claim 20 Patentably Distinguishes Over Motorola

New independent claim 20 recites, *inter alia*, “the interface and the layers of the telecommunications protocol communicating towards the underlying OS through an abstraction layer that maps OS-independent function calls to OS-specific function calls.” For reasons that should be clear from the foregoing discussion of Motorola, Motorola fails to meet at least these limitations of claim 20. Therefore, claim 20 patentably distinguishes over Motorola and should be allowed.

New claim 21 depends from claim 20 and is allowable based at least on its dependency. Accordingly, allowance of claim 21 is respectfully requested.

VIII. Independent Claim 22 Patentably Distinguishes Over Motorola

New independent claim 22 recites, *inter alia*, “the API and the SW protocol layers communicating towards the underlying OS through an abstraction layer that maps OS-independent function calls to OS-specific function calls.” For reasons that should be clear from the foregoing discussion of Motorola, Motorola fails to meet at least these limitations of claim 22. Therefore, claim 22 patentably distinguishes over Motorola and should be allowed.

IX. Independent Claim 23 Patentably Distinguishes Over Motorola

New independent claim 23 recites, *inter alia*, “the interface and the layers of the telecommunications protocol communicating towards the underlying OS through an abstraction layer that maps OS-independent function calls to OS-specific function calls.” For reasons that should be clear from the foregoing discussion of Motorola, Motorola fails to meet at least these limitations of claim 23. Therefore, claim 23 patentably distinguishes over Motorola and should be allowed.

New claim 24 depends from claim 23 and is allowable based at least on its dependency. Accordingly, allowance of claim 24 is respectfully requested.

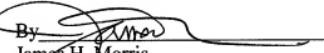
CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825 under Docket No. S1022.71021US00 from which the undersigned is authorized to draw.

Dated: February 1, 2010

Respectfully submitted,

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